IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 876 (S/S) of 2006

Sunder Lal,
Son of Sri Gulab Ram,
Working as District Supply Inspector,
In District-Bageshwar. **……..Petitioner**

V e r s u s

1. Secretary/ Commissioner, Food and Civil Supply, Uttaranchal Shashan, Dehradun.
2. Additional Commissioner, Food and Civil Supply, Uttaranchal Shashan, Dehradun.
3. Assistant Commissioner, Food, Kumaon Region, Bhotia Parao, Haldwani, Nainital.
4. District Magistrate, Bageshwar.
5. Miss Shilpi Shukla, Area Ration Officer, District-Bageshwar.
6. Diwani Ram Ram, Prabhari Zila Purti Adhikari, Chamawat.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

1. Heard Sri S.S. Yadav, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for the State of Uttaranchal on behalf of respondents no. 1 to 4.

2. By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Certiorari quashing the Clause 4 and 6 of the order dated 10.02.2006 (Annexure No. 4 to the writ petition).

3. Vide order dated 10.02.2006, Secretary, Food and Civil Supply, Uttaranchal posted one Sri Mahendra Singh Bisen as District Supply Officer Grade – II, in the District –Nainital and there other persons, namely Sri Tej Bal

Singh, Ms. Shilpi Shukla and Sri Shayam Singh Arya, (all being selected by Uttaranchal Public Service Commission), were posted as Area Rationing Officer, in the district of Tehri Garhwal, Bageshwar, and Rudraprayag respectively.

4. In clause 4 of the impugned order it is stated that newly posted Area Rationing Officer, shall also look after the work of Incharge District Supply Officer, in their respective districts.

5. The submission of the learned counsel for the petitioner is that petitioner was posted in the district – Bageshwar as Supply Inspector and since nobody was holding the post of Incharge District Supply Officer in district-Bageshwar, petitioner was asked to look after the work as Incharge District Supply Officer.

6. From the perusal of record, it appears that the petitioner, who was working as Supply Inspector in the District-Almora was transferred to Bageshwar vide order dated 17.07.2003 and the petitioner was directed to take charge as Incharge District Supply Officer, Bageshwar.

7. Learned counsel for the petitioner has submitted that petitioner has filed writ petition no. 205 (SS) of 2006 for issuance of direction to respondents to take decision regarding his seniority and the said writ petition was disposed of by this court with a direction to take decision on the representation of the petitioner. In pursuance to this court's order dated 24.02.2006, respondent no. 1 rejected the representation of the petitioner.

8. It is admitted position that earlier in the district of Bageshwar neither the post of Area Rationing Officer nor Incharge District Supply Officer was occupied by any person, consequently, petitioner was asked to take charge as Incharge District Supply Officer. Now, after selection through Uttaranchal Public Service Commission, respondent no. 6 has joined her duties as Area Rationing Officer, in the district – Bageshwar, on probation. Admittedly, the post of Area Rationing Officer is higher that the supply Inspector. Accordingly, petitioner has no right to continue on the post of Incharge District Supply Officer.

9. I do no find any illegality in the orders dated 10.02.2006 and 22.03.2006 passed by respondent no. 1 i.e. Secretary, Food and Civil Supply, Uttaranchal Shashan, Dehradun.

10. Writ petition is dismissed in limine. No order as to costs.

(M.M. Ghildiyal, J)

July 03, 2006
SKSharma